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FLOOR DEBATE

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is the one statutory piece where the law itself is inadequate and there is a gap. And Senator Byars, much to his chagrin in some ways, is filling that gap. But it's the right thing to do. It will...it will lead to enormous additional public support, I think. And I'm going to ask Senator Byars some hard questions today as this goes on, but I'm sure he'll have good answers...

SENATOR CUDABACK: Time, Senator.

SENATOR BEUTLER: ...and the public will understand how things are advancing here.

SENATOR CUDABACK: Thank you, Senator Beutler. Mr. Clerk, a motion on the desk?

CLERK: Mr. President, Senator Chambers would move to amend the committee amendment with FA84. (Legislative Journal page 859.)

SENATOR CUDABACK: Senator Chambers, to open on your amendment to the committee amendments.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I need to explain this process first. To let you know what I want to do, I want to strike the immunity section from the green copy of the bill and from the committee amendment. Here is the way that I have to do that. The way the committee amendment is drafted, it simply substitutes a new Section 33. But in the committee amendment, the only way liability would exist for these programs or the employees is if the negligence rose to the level of gross, wantonness, or whatever the other one was, recklessness. My view is that if negligence is committed, there should be liability. So here's the way my amendment has to be drafted. If I simply struck Section 33 from the committee amendment, that would leave intact and in place the original Section 33 in the green copy, which is worse, if you can believe that, than what is in the committee amendment. So what I will have to do is to strike the language from the committee amendment that deals with Section 33 and, instead of replacing it, Section 33, the language would say instead strike Section 33, and that then would carry it back to the green copy and strike it from the green copy. If all I did